

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARK MCGOWEN,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:04CV619-DJS
)	
CITY OF ST. LOUIS, MISSOURI,)	
JOHN H. CLARK,)	
STANLEY NEWSOME, SR.,)	
TIMOTHY OGLE, and)	
PATRICK MARTOCCI,)	
)	
Defendants.)	

JUDGMENT

Pursuant to the order entered herein this day,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that summary judgment is entered in favor of remaining defendants City of St. Louis and Patrick Martocci on plaintiff's free speech First Amendment claim asserted in Count III of plaintiff's petition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the procedural due process claim asserted in Count III of plaintiff's petition is dismissed without prejudice pursuant to Fed.R.Civ.P. 12(b)(1) because plaintiff has not yet exhausted state remedies relative to that claim.

Dated this 24th day of May, 2005.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE